

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION

CEDRIC F. DUPREE,

Plaintiff,

v.

Case No. 08 C 50010

MAHONE et al.

Defendants.

**MOTION TO WITHDRAW AS APPOINTED COUNSEL
AND APPOINTMENT OF NEW COUNSEL**

COMES NOW Petitioner and moves this Honorable Court to allow him to Withdraw as Appointed Counsel and to Appoint New Counsel and/or other relief as appropriate and in support of this Motion, petitioner states:

1. In the present litigation, the attorney/client relation has been irreparably damaged and the trust cannot be restored. Simply put, the attorney/client relation has totally broken down and there is no trusting relationship between the client and counsel in this case. A significant part of the breakdown resulted from the Court's clerical error in that the undersigned attorney did not receive notice of the Court order reappointing him to the case, which lead to accusations. While attempts were put forth to repair the situation with correspondence exchanges on June 23, 2008 and July 7, 2008, and a telephonic interview occurred between the undersigned and the client on July 15, 2008, it clearly evolved that there is no underlying attorney/client relation and that the situation has approached adversarial.

2. Accordingly, in view of the historical background including the Court's clerical error of the undersigned not being noticed with reappointment, the undersigned Attorney and

Cedric Dupree hereby move this Court for withdrawal of Andrew Heinisch as appointed counsel and appointment of new counsel for Mr. Dupree.

WHEREFORE, Petitioner prays that this Honorable Court enter an Order Allowing Petitioner to Withdraw as Appointed Counsel and Appoint New Counsel for Plaintiff and any other relief that may be just.

Respectfully submitted,

s/Andrew J. Heinisch

Andrew J. Heinisch, Petitioner
Reinhart Boerner Van Deuren P.C.
2215 Perrygreen Way
Rockford, Illinois 61107
815-633-5300

NOTICE OF FILING

TO: Cedric F. Dupree
N 63566
700 West Lincoln Street
P.O. Box 99
Pontiac, Illinois 61764

PLEASE TAKE NOTICE that I have this 15th day of July, 2008, caused to be filed in the Office of the United States District Court, Northern District of Illinois, Western Division, via E-File the Motion to Withdraw as Appointed Counsel and Appointment of New Counsel in the above-entitled cause.

s/Andrew J. Heinisch
Andrew J. Heinisch, Petitioner
Reinhart Boerner Van Deuren P.C.
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